

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PEOPLE OF THE STATE OF ILLINOIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:14-CV-03786
	)	
ALTA COLLEGES, INC., <i>et al.</i> ,	)	Honorable Ronald A. Guzman
	)	
Defendant.	)	
	)	
	)	

**NOTICE OF THE UNITED STATES IN RESPONSE  
TO THE COURT’S ORDER OF AUGUST 21, 2014**

This Court previously granted an extension of time until September 23, 2014 for the United States to intervene to defend the constitutionality of the Consumer Financial Protection Act of 2010 (“CFPA”), 12 U.S.C. § 5481, *et. seq.* See August 21, 2014 Order, ECF No. 51. Subsequently, the Court denied Defendants’ motion to dismiss, rejecting the premise of Defendants’ separation of powers challenge to the Consumer Financial Protection Bureau, holding instead that the plain language of the statute, 12 U.S.C. § 5552, expressly authorizes Illinois to sue on its own behalf. September 4, 2014 Memorandum Opinion and Order, at 5-6 (ECF No. 53). The Court also held that the CFPA’s prohibition of “unfair, deceptive, or abusive act[s] or practice[s]” was not unconstitutionally vague. *Id.* at 7-8.

As it now appears there is no currently pending constitutional challenge to the CFPA, the United States does not intend to intervene or to participate in regard to that issue. In the event that any subsequent question regarding the constitutionality of the CFPA should arise in the

future in this litigation, the United States respectfully requests that the Court provide the Attorney General with notice of that fact, pursuant to Federal Rule of Civil Procedure 5.1.<sup>1</sup>

Dated: September 15, 2014

Respectfully submitted,

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/s/ Bradley H. Cohen  
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<sup>1</sup> Should the issue of the constitutionality of the CFPA arise in the future, the United States respectfully requests that it be permitted sixty days from the date of notice within which to intervene as contemplated by Federal Rule of Civil Procedure 5.1 and 28 U.S.C. § 2403.

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2014, I electronically filed the foregoing pleading with the Clerk of the Court by using the CM/ECF system, which sent notice of such filing to all parties.

/s/ Bradley H. Cohen  
BRADLEY H. COHEN